

**REMARKS**

Applicant would like to thank the Examiner for the courtesies shown to Applicant's representatives during the interview conducted on November 2, 2009. The following remarks are in response to the Office Action mailed September 3, 2009 and commemorate the substance of the interview.

Claims 1-22 and 24-26 are pending in the subject application with entry of this paper.

Applicant acknowledges the indicated allowability of Claims 2-5 and 20-22. Applicant also acknowledges the verbal indicated allowability of independent Claims 1, 12 and 19 and those claims dependent thereon during the interview of November 2, 2009.

Claim 17 has been amended to correct an informality.

**Rejections under 35 U.S.C. § 112**

At paragraph 3 of the Action, the Office rejected Claims 1, 2, 4 and 19 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. As discussed during the interview, support for the element "transmitted signals received by the mobile appliance" in Claims 1, 2, 4 and 19 is found at least in paragraphs [0036]-[0038]. Applicant acknowledges the verbal withdrawal of this rejection by the Examiner during the interview of November 2, 2009.

Applicant acknowledges the withdrawal of the rejection of Claims 1, 8 and 19 under 35 U.S.C. § 112, second paragraph.

Claims 17 and 18 were improperly rejected under Section 112 as these informalities were addressed in Applicant's previous paper. Applicant acknowledges the

verbal withdrawal of these rejections by the Examiner during the interview of November 2, 2009.

Claim 1 was improperly rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 1 was amended and addressed in Applicant's previous paper, and Applicant acknowledges the verbal withdrawal of this rejection by the Examiner during the interview of November 2, 2009.

Claims 23-25 were improperly rejected under Section 112 as Claim 23 was cancelled and Claims 24-25 amended to address the informalities in Applicant's previous paper. Applicant acknowledges the verbal withdrawal of this rejection by the Examiner during the interview of November 2, 2009.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

##### **1. Durrant's inapplicability to the claimed subject matter**

As discussed during the interview, it was agreed upon that Durrant's determination of whether a signal has passed through a repeater is fundamentally different than the claimed subject matter of independent Claims 1, 8, 12, 17 and 19. For example, *Durrant teaches using FSK modulation to generate a unique signal tag* which is detected by a frequency discriminator in the LMU-B to generate a repeater ID. *See* 10:9-12. Since the repeated signal now has an electronic signature or repeater tag ID, the LMU-B or MLC can distinguish the repeated signal from a signal received directly from a mobile appliance. *See* 10:9-12; 4:61-66; 3:14-18. *It is this tagging, rather than the determination of any approximate distance based on timing advance, the determination of an equivalent propagation distance ("EPD") and the comparison thereof, that allows*

*Durrant to determine whether or not a signal has passed through a repeater or whether a signal has been received directly from a mobile appliance.* Thus, as agreed upon during the interview, Durrant's express teachings are inapplicable to the claimed subject matter.

2. Durrant's timing advance

As discussed during the interview, Durrant does disclose the phrase "timing advance"; however, the timing advance in Durrant is employed solely to ensure a mobile station's signal does not collide with other mobile station signals. A base station commands the mobile station to adjust the timing of its time slot by a certain amount of timing advance to prevent said collisions. *See* 6:45-53. Thus, as agreed upon during the interview, Durrant's mere teaching of timing advance cannot support a rejection under Sections 102 or 103 of Applicant's claimed subject matter.

3. Durrant's mobile equivalent

As discussed during the interview, it appears that the Office improperly equated Durrant's recitation of "mobile equivalent" with the claimed equivalent propagation distance. Durrant states that a mobile equivalent is a device that performs the functions of a GSM handset but does not possess speakers, microphone or vocoder. This mobile equivalent may provide control and timing advance information to an RF signal repeater. *See* 6:55-62. Thus, as agreed upon during the interview, Durrant's mere use of the phrase "mobile equivalent" is unrelated to the claimed equivalent propagation distance.

4. Figure of Merit and Hypotheses

It was also agreed upon during the interview that none of the references of record disclosed or taught the claimed figure of merit or accuracy element as claimed (Claims 1 and 19). To the contrary, it appears that Durrant *teaches away* from determining a figure of merit or any type of accuracy of an estimated location of the mobile appliance. While Applicant agreed that under the E911 standards some measure of accuracy is required for the compliance of a geographic location of a mobile device, this mere disclosure in Durrant cannot provide support for a rejection of the claimed subject matter under Section 103.

Further, as discussed during the interview, none of the cited references taught or disclosed the claimed determination of a probability for each of two hypothesis and choosing the hypothesis with the greatest probability, wherein *the probabilities for each of the two hypothesis* are based on a timing advance of the transmitted uplink signal, hearability of the transmitted uplink signal and known locations and delays of the one or more repeaters (Claim 12).

For the reasons discussed above, during the interview and in Applicant's previous paper, the Office has failed to meet its burden under Sections 102 and 103, and Applicant respectfully requests withdrawal of the rejections of Claims 1-22 and 24-26.

**CONCLUSION**

Applicant believes that the present application is in condition for allowance and, as such, it is earnestly requested that Claims 1-22 and 24-26 be allowed to issue in a U.S. Patent.

If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite the prosecution of the subject patent application, the Examiner is invited to contact the undersigned agents of record.

The Office is requested and hereby authorized to charge the appropriate extension-of-time fees against **Deposit Account No. 04-1679** to Duane Morris LLP.

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